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Elimination of racism and racial discrimination

The fight against racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the interim report prepared by Mr. Doudou Diène, Special Rapporteur of the Commission on Human Rights on the fight against racism, racial discrimination, xenophobia and related intolerance, in accordance with General Assembly resolution 57/195 of 18 December 2002.

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Summary

The present report is being submitted pursuant to General Assembly resolution 57/195 on the fight against racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action.

In this report, the Special Rapporteur reviews the activities in which he participated in the context of the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa. In particular, he took part in the deliberations of the fifty-ninth session of the Commission on Human Rights in March 2003, where he introduced his reports as yet another concrete and objective illustration of the international community's commitment to the fight against the troubling resurgence of the scourges of racism, racial discrimination and xenophobia in all parts of the world. The Special Rapporteur also participated in a series of highly instructive meetings, seminars and workshops organized by the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Office of the United Nations High Commissioner for Human Rights. These included the regional African consultation on the topic "Africa in the face of the scourges of racism, discrimination and xenophobia: visions and strategies for effective follow-up to the Durban Conference", held in Dakar from 13 to 15 February 2003; the European regional consultation on the topic "Combating racism, racial discrimination, xenophobia and intolerance in Europe", held in Moscow on 20 and 21 March 2003; the international expert seminar on the topic "Renewing the struggle against racism, racial discrimination and intolerance", held in Osaka, Japan, on 4 and 5 June 2003; the workshop on the topic "Elaboration of a guide for combating racism and promoting tolerance", held in Paris at UNESCO headquarters on 19 and 20 February 2003; and the Regional Workshop on Strategies for the Adoption and Implementation of Affirmative Action Policies for Populations of African Descent in Latin America and the Caribbean, held in Montevideo from 7 to 9 May 2003.

On 18 March 2003, on his initiative, the Special Rapporteur also engaged in a very fruitful exchange of views with members of the Committee on the Elimination of Racial Discrimination. He stressed the complementarity between his mandate and the Committee's activities. It was agreed that regular exchanges of information would be systematically organized between the two mechanisms, in particular with regard to the complementarity between the Special Rapporteur's visits and reports submitted to the Committee by the countries concerned, and that periodic meetings would be held to determine joint and effective action, particularly in emergency situations.

As for field missions, the Special Rapporteur went on a regional mission to Guyana and Trinidad and Tobago from 12 to 26 July 2003. His preliminary findings on the inter-ethnic relations in these countries are outlined in this report. He plans to visit Canada (15 to 26 September 2003), Colombia (29 September to 10 October 2003) and Côte d'Ivoire sometime in October 2003, on dates to be determined with the Ivorian authorities.

With regard to contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance, the report states that the Internet continues to be

a tool for broad dissemination of the hate propaganda of racist and xenophobic organizations. Several thousands of sites devoted to this reprehensible activity have been identified. The Special Rapporteur has noted an increase in acts and expressions of racist and xenophobic sentiment on the playing field. Incidents have taken place in particular in European soccer stadiums. The resurgence of anti-Semitism and Islamophobia has manifested itself in physical attacks on Jewish, Arab or Muslim persons or those assumed to be Jewish, Arab or Muslim and on their property, and, in particular, the profanation of their places of worship and cemeteries, which is a source of grave concern.

The Special Rapporteur has submitted the following recommendations to the General Assembly:

- Member States' attention should be drawn to the need to take the necessary legislative and judicial action, as well as measures in the area of information and education, in order to ensure that the legitimate struggle against terrorism does not result in or breed new forms of discrimination targeting specific populations, religions, cultures or ethnic groups.
- Within the context of implementing the Durban Programme of Action, the General Assembly is invited to focus its attention on the latest forms of discrimination, which affect, in particular, immigrants, refugees and non-nationals and make them particularly vulnerable.
- The question of castes, because it is deeply rooted in value systems and cultural and religious values and is pervasive and still practised in the societies concerned, should be given priority in the follow-up to the Durban Conference, in the fight against all forms of discrimination and the promotion of human rights worldwide.
- The General Assembly is invited both to draw the attention of all Member States to increased racism in sports and to call on international sports entities to take appropriate measures to eradicate it and cooperate to that end with the relevant human rights mechanisms, in particular the Committee on the Elimination of Racial Discrimination (CERD) and the Special Rapporteur.

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I. Introduction

1. In its resolution 57/195 of 18 December 2002 on the fight against racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action, the General Assembly said that it was deeply concerned that, despite continuing efforts, racism, racial discrimination, xenophobia and related intolerance and acts of violence persist and even grow in magnitude, incessantly adopting new forms, including tendencies to establish policies based on racial, religious, ethnic, cultural and national superiority or exclusivity. The General Assembly was alarmed, in particular, at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large, inter alia, as a result of the resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies. In that context, it recognized with deep concern the increase in anti-Semitism and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas directed against Jewish, Muslim and Arab communities. The General Assembly also expressed deep concern about the misuse, by those advocating racism and racial discrimination, of new communications technologies, including the Internet, to disseminate their repugnant views.

2. The General Assembly further urged States to adopt effective measures to combat criminal acts motivated by racism, racial discrimination, xenophobia and related intolerance, including measures to ensure that such motivations are considered an aggravating factor for the purposes of sentencing, to prevent those crimes from going unpunished and to ensure the rule of law. It condemned the misuse of print, audio-visual and electronic media and new communications technologies, including the Internet, to incite violence motivated by racial hatred, and called upon States to take all necessary measures to combat this form of racism in accordance with the commitments that they have undertaken under the Durban Declaration and Programme of Action,[1] in particular paragraph 147 of the Programme of Action, in accordance with existing international and regional standards of freedom of expression and taking all necessary measures to guarantee the right to freedom of opinion and expression. The General Assembly also condemned political platforms and organizations based on racism, xenophobia or doctrines of racial superiority and related discrimination, as well as legislation and practices based on racism, racial discrimination, xenophobia and related intolerance as incompatible with democracy and transparent and accountable governance. It also encouraged all States to include in their educational curricula and social programmes at all levels, as appropriate, knowledge of and tolerance and respect for foreign cultures, peoples and countries.

3. In order to remedy double discrimination affecting women, the General Assembly urged States to mainstream a gender perspective in the design and development of prevention, education and protection measures aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels, to ensure that they effectively targeted the distinct situations of women and men.

4. The Special Rapporteur was requested to continue his exchange of views with Member States and relevant mechanisms and treaty bodies within the United

Nations system in order to further enhance their effectiveness and mutual cooperation. He was also requested to collect information from all concerned, to respond effectively to reliable information that became available to him, to follow up on communications and country visits, and to seek the views and comments of Governments and reflect them, as appropriate, in his reports. In the same resolution, the General Assembly called upon States to cooperate with the Special Rapporteur and to give serious consideration to his requests to visit their countries so as to enable him to fulfil his mandate fully and effectively. It also urged Member States to consider implementing the recommendations contained in the reports of the Special Rapporteur and requested the Secretary-General to provide the Special Rapporteur with all the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit an interim report to the General Assembly at its fifty-eighth session.

5. This report has been prepared pursuant to that resolution, the principal provisions of which have been cited above.

II. Activities of the Special Rapporteur

A. Participation in the work of the Commission on Human Rights at its fifty-ninth session

6. From 23 to 29 March 2003, the Special Rapporteur participated in the work of the Commission on Human Rights at its fifty-ninth session. He introduced his report on the situation of Muslim and Arab peoples in various parts of the world in the aftermath of the events of 11 September 2001 (E/CN.4/2003/23) and his general report on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, in accordance with resolution 2002/68 of the Commission on Human Rights (E/CN.4/2003/24).

7. The Special Rapporteur described his work in the context of the commitment, made by the international community at Durban, to give high priority to combating racism, racial discrimination, xenophobia and related intolerance, including the suffering, violence and inequality which these scourges continue to cause. He therefore felt that the reports which he submitted should be specifically designed to provide concrete, objective proof of this commitment and of the disturbing resurgence of the scourges of racism, racial discrimination and xenophobia throughout the world.

8. In particular, he stressed the importance of key factors in discriminatory cultures, attitudes and practices. These may include isolationism and the ghetto mentality resulting from the following: the belief that globalization reduces everything to a common denominator and denies individual characteristics; immigration and the presence, for historical, economic or political reasons, of people from other countries or cultures; an ideological rejection and non-recognition of cultural pluralism as a reality; the pernicious intellectual legitimation of racism and racial discrimination; the promotion of a culture of fear through language which focuses excessively on security and counter-terrorism; and the worldwide spread of racist and xenophobic propaganda through the organized use of new communication technologies such as the Internet.

9. As a final recommendation, the Special Rapporteur pointed out that follow-up to the Durban Conference should be based on a dual strategy: a strengthened legal and political strategy involving the promotion and implementation of the relevant legal instruments at the national, regional and international levels; and a new intellectual and ethical strategy involving the study, understanding and taking into account of the deep cultural, mental and ethical roots of racial discrimination, racism and xenophobia. For culture, value systems and beliefs are strong forces which, over the long term, form and influence the concepts, mentalities, visions, ideologies and practices which have a positive or negative impact on our perception of and relationship with people different from ourselves.

10. The Commission welcomed the Special Rapporteur's approach and requested him to continue his study of the situation of Muslim and Arab peoples in various parts of the world with special reference to physical assaults and attacks against their places of worship, cultural centres, businesses and properties in the aftermath of the events of 11 September 2001. The Commission also invited the Special Rapporteur to conduct a study on the issue of political platforms which promote or incite racial discrimination. These studies will be submitted to the Commission at its sixtieth session.

B. Coordination with other human rights mechanisms and participation in various seminars

11. On 18 March 2003, the Special Rapporteur, at his own request, met with the Committee on the Elimination of Racial Discrimination (CERD) and had a very fruitful exchange of views with its members. He focused on the complementarity between his mandate and the Committee's activities. It was decided to organize a systematic, regular exchange of information between the two mechanisms, particularly with respect to the complementarity of the Special Rapporteur's visits with the reports submitted to the Committee by the States concerned, and to hold periodic meetings for the development of coordinated, effective activities, especially in emergency situations.

12. From 23 to 27 June 2003, the Special Rapporteur participated in the tenth annual meeting of special rapporteurs, representatives, independent experts and chairpersons of working groups of the Commission on Human Rights. The Special Rapporteur joined the other participants in welcoming the measures through which the Secretary-General planned to provide increased support for the special procedures in order to enhance their efficiency. In the light of the urgent need for committed implementation of the Programme of Action of the Durban Conference, he hopes that he will be provided with all the necessary human and material assistance to carry out his mandate efficiently. He also joined his colleagues in expressing, through a joint declaration, his concern at the adoption by several countries of legislation which violates human rights on the pretext of combating terrorism. The Special Rapporteur considered this position statement to be timely since, as shown by the reports submitted to the Commission on Human Rights, including his own preliminary report on the situation of Muslim and Arab peoples in various parts of the world in the aftermath of the events of 11 September 2001, the legitimacy of such counter-terrorism measures is often corrupted by discriminatory words and practices.

13. In order to contribute to the implementation of the Durban Declaration and Programme of Action, the Special Rapporteur was an active participant in the following meetings organized by the United Nations Educational, Scientific and Cultural Organization (UNESCO):

- Regional consultation for Africa on the topic of "Africa and the scourge of racism, discrimination and xenophobia: vision and strategy for an effective follow-up to the Durban Conference", held in Dakar from 13 to 15 February 2003. This meeting of experts and representatives of the five African subregions provided an opportunity to discuss the various forms of racism which threaten African societies, compare experiences of combating these scourges in Africa and set priorities for UNESCO's new strategy to combat racism, racial discrimination, xenophobia and related intolerance. The participants stressed that it was also necessary to combat discrimination within countries inherited from certain cultural traditions, such as the caste system, and new forms of discrimination such as the stigmatization of people infected with the human immunodeficiency virus (HIV) and the rise of xenophobia in Africa, as demonstrated by recent conflicts.

- Regional consultation for Europe on the topic of "Combating racism, racial discrimination, xenophobia and related intolerance in Europe", held in Moscow on 20 and 21 March 2003. Participants discussed the role of States in that struggle; model legislative, administrative and legal mechanisms to be introduced; statistical indicators to be developed in order to better assess the prevalence of discrimination; and the type of partnership to be developed between Governments and non-governmental organizations working in the area of human rights, especially in the "new democracies" of Europe. During that consultation, the Special Rapporteur placed particular emphasis on two key factors in the problem of racism in Europe: on the one hand, the overriding influence on attitudes, the imagination and perceptions exercised by deeply rooted remnants of the scorn for other peoples' cultures which provided the ideological legitimation of colonization; and, on the other, the rise of new forms of legal, social, cultural and economic discrimination against foreigners, refugees and immigrants, partly as a result of political and media pressure from xenophobic political parties.

- International expert seminar on the topic of renewed efforts to combat racism, racial discrimination and intolerance, held in Osaka, Japan, on 4 and 5 June 2003. This meeting brought together experts who had participated in the Durban process and in the various regional consultations organized by UNESCO and/or the Office of the High Commissioner for Human Rights (OHCHR), and the authors of UNESCO studies on various aspects of racial discrimination and xenophobia. Its purpose was to endorse the results of those studies and to discuss the new UNESCO strategy in that area, an outline of which was submitted to the participants for comments and suggestions. The Special Rapporteur presented to the seminar a study on the cultural identity and education of people of African descent and drew attention to the numerous reports which he had received concerning acts of discrimination against Africans in some Asian countries.

14. During his visit to Japan, the Special Rapporteur had the opportunity to learn about the economic, social, cultural and educational situation of the Buraku

community, including through visits to the neighbourhood in which they live and in-depth interviews with leaders and members of that community.

15. During these regional consultations and studies, UNESCO had been involved in the identification of specific characteristics of the various regions of the world and in the establishment of priority areas for its new strategy, which will be submitted to its next General Conference in September and October 2003. These activities were conducted in close cooperation with OHCHR and, in particular, with its Anti-Discrimination Unit.

16. The Special Rapporteur also participated in a workshop on the preparation of a guide for combating racism and promoting tolerance, organized jointly by UNESCO and OHCHR on 19 and 20 February 2003 at UNESCO headquarters. This important meeting of experts from all parts of the world, including one member of CERD, provided an opportunity to discuss new approaches to the development of educational materials in response to the new international situation.

17. From 7 to 9 May 2003, at the invitation of OHCHR, the Special Rapporteur attended a regional workshop on strategies for the adoption and implementation of affirmative action policies for Latin American and Caribbean peoples of African descent, held in Montevideo. The purpose of this meeting was to provide follow-up to the Durban Conference recommendations on affirmative action by proposing measures designed to improve the situation of peoples of African descent in the areas of, inter alia, education, employment, health and the administration of justice. During this meeting, the Special Rapporteur stressed that education and teaching were essential ways of changing minds and building pluralist, multicultural, genuinely egalitarian societies. He therefore recommended that the history of resistance to slavery and colonization by peoples of African descent, including the remarkable intelligence and ethics which motivated this struggle, should be retold in order to restore the dignity and humanity stolen from these peoples by the legacy of suffering and tragedy in which the post-slavery ideological system has sought to trap them.

C. Field missions of the Special Rapporteur

18. From 12 to 26 July 2003, the Special Rapporteur visited Guyana and Trinidad and Tobago, by agreement and in full cooperation with each country's Government. The goal of that visit was to make a comparative study of the inter-ethnic relations in the two countries, given their similar demographic composition and a common legacy of slavery and colonialism greatly marked by race- and colour-based prejudices. The Special Rapporteur's visit should, inter alia, contribute to the efforts now being made by the United Nations to promote, improve and, in the last analysis, establish peaceful relations between communities divided by their historical past and the partisan use of politics and ideology.

19. In Guyana, the Special Rapporteur met with the country's most senior officials, including the President of the Republic, His Excellency Mr. Bharrat Jagdeo, Mr. Robert Corbin, head of the People's National Congress/Reform (PNC/R), the main opposition party, and leaders of the new party of indigenous Guyanese people, the Guyana Action Party. The Special Rapporteur wished to deepen his understanding of the complexity of Guyanese society by meeting representatives from civil society, religious communities, intellectual circles and the media. He

noted during his visit the harsh reality of ethnic polarization among Guyanese of African, Hindu and Amerindian descent. Such polarization, which is most starkly reflected in the composition of political parties, greatly affects the structure of State mechanisms and has deep economic, social and cultural consequences. The various barriers at the level of cultural, administrative and human relations caused by this polarization have perpetuated a state of economic and social underdevelopment, to the detriment of the entire society, in a country that possesses extraordinary natural, human and intellectual resources. The Special Rapporteur noted that, despite everything, this polarization, in all communities and at all levels of society, has resulted not in feelings of hatred between communities but rather in a culture of fear and mistrust, which pervades all social activity. During his meetings and interviews, he also noted the existence of a sense of belonging at all levels of society. Therefore, at the basic level of the people's deepest feelings, Guyanese society is conducive to the human values necessary for collectively building genuine pluralism, through which a creative and dynamic balance could enable the recognition, respect, protection and promotion of cultural and spiritual differences and the promotion of universal values conveyed by interaction among communities. But the sine qua non for such a development, in the last analysis, lies in the political will of all of Guyana's leaders. The Special Rapporteur noted with much hope that his visit exactly coincided with the establishment of a new political climate that is likely to further that development. Indeed, the Guyanese authorities, particularly the President of the Republic, as well as the leaders of the opposition, including the head of the main opposition party, informed the Special Rapporteur of the political reforms under way to establish the bases for democratic cooperation between the Government and the opposition, as well as the establishment of multi-party parliamentary committees to find democratic and sustainable responses to the main problems of Guyanese society. A joint communiqué signed by President Jagdeo and opposition leader Mr. Corbin, on 6 May 2003, in this context, is a solemn reflection of the necessary political commitment at the highest political levels to ensure democracy, peace and development in Guyana.

20. The Special Rapporteur therefore believes that confronted with the bitter experience of ethnic polarization, the political authorities now seem to have assumed political responsibility. The ultimate test of this political will now lies in good faith, strict ethics and the determination, in words and deeds, to ensure that the necessary reforms will be implemented. His final recommendations to the Commission on Human Rights will be drafted on the basis of progress made in implementing and expanding the democratic reform process under way. For the information of the international community, his final report will therefore give a detailed account of the reforms, the methods and procedures used to implement them, and the results, as well as the way in which political leaders have acted on their political commitments. On the lines of the dual legal and intellectual strategy that he advocates to combat the deep cultural and ethnic causes of racism in the long term, the Special Rapporteur wishes to contribute to the process under way by recommending that political leaders should hinge the deep transformation of Guyanese society on the following major objectives: a strengthened democratic process through original political platforms that promote dialogue and systematic cooperation in the administration of the State; multi-ethnic political parties and security and defence structures; specific solutions to the economic and social disparities among communities caused by ethnic polarization; and, finally, close linking between the fight against racism and racial discrimination and the long-term

construction of a multicultural society. Indeed, the rebuilding of a democratic, egalitarian and interactive multicultural order should be the ultimate goal of societies with a multi-ethnic heritage, rent by the slave and colonial system and exploited by political powers on the basis of the ideological pillar of racism.

21. In Trinidad and Tobago the Special Rapporteur met with the Prime Minister, the Honourable Patrick Manning, and other political leaders, as well as representatives of civil society and various religious denominations. Although, like Guyana, it has inherited a similar multi-ethnic population and a society divided by conflict among communities and racial discrimination, Trinidad and Tobago is facing less ethnic polarization. The political exploitation of ethnic division is nevertheless practised there by various political parties and is reflected in their ethnic-majority composition and their leadership. The existence of a broad fringe of ethnically mixed people nevertheless attests to the presence of intense interactions and of communities coming together through their human and emotional relations. The ethnic polarization that is still reflected in the political superstructure is thwarted by the people's robust ability to get along with one another. Moreover, following his visit, the Special Rapporteur believes that the example of Trinidad and Tobago confirms the crucial role of religious values in situations where ethnic tension and ethnic ghettos develop against the backdrop of the intermingling of race, religion and ethnicity. Indeed, the main religious and traditional spiritual leaders of this country recognized very early on the perils of ethnic polarization and fiercely fought back with interfaith dialogue, which, through their personal meetings, reciprocal participation in religious ceremonies and joint statements on important social questions, has given voice to the powerful teachings of living together, by practising "religion" in the original sense of the word — binding together, not tearing apart. Consequently, despite historical, demographic and, in certain respects, political similarities between Guyana and Trinidad and Tobago, the latter enjoys a particular multicultural vitality. The political class, all parties included, bears the basic responsibility for using this multicultural potential of society for democratic, social and economic ends. A political process seems to have begun in that respect. Indeed, the Prime Minister informed the Special Rapporteur of his initiative relating to the establishment of several committees, including one concerning interracial relations. Pending an update on those institutional reforms, which will be analysed in greater detail in his report to the Commission on Human Rights, the Special Rapporteur considers at this stage that the political leaders of Trinidad and Tobago seem to have set in motion a more fundamental and promising process of institutional reform and democratic consultation to end ethnic polarization. He recommends for the time being that political reforms should be pursued, particularly relating to cooperation between the authorities and the opposition, to eradicate the vestiges of ethnic polarization, and a more robust commitment to promote intercultural dialogue should be made to include the fight against all forms of discrimination in the long-term process of collectively building a multicultural, democratic, egalitarian and interactive society.

22. With respect to future missions, the Special Rapporteur has been invited to visit Canada from 15 to 26 September 2003 by the country's Government. By listening to the various communities during that visit, the Special Rapporteur will be able to assess the goals, challenges, problems and outcome of Canadian multiculturalism, particularly in the light of the Durban Conference Programme of Action. The Special Rapporteur will also be making a visit to Colombia, from 29

September to 10 October 2003, at the invitation of the Colombian Government, to evaluate the progress made in implementing the recommendations of his predecessor, who visited the country in 1998. The Special Rapporteur also intends to look into the implementation of the national development plan for the Afro-Colombian populations adopted by the Government in 1998, and also look into the situation of indigenous people. He will report on those missions at the sixtieth session of the Commission on Human Rights.

23. With regard to the situation in Côte d'Ivoire, the Government has agreed to welcome the Special Rapporteur during October 2003. This will be a joint visit with the Special Rapporteur on freedom of opinion and expression to consider the status of inter-ethnic relations and measures taken by the Government to redress the manifestations of xenophobia that arose during the conflict of 19 October 2002.

III. Manifestations of racism, racial discrimination, xenophobia and related intolerance

24. The Special Rapporteur would like to draw the attention of the General Assembly to the persistence of racist propaganda on the Internet, the upsurge of racism in sports and the manifestation of racism in connection with anti-Semitism and Islamophobia.

A. Racist propaganda on the Internet

25. The Internet continues to serve as an instrument for widespread dissemination of heinous speech by racist and xenophobic organizations. In its report entitled *Digital Terrorism and Hate 2003*, the Simon Wiesenthal Center (www.wiesenthal.com), a pioneer in monitoring the activities of racist organizations on the Internet, identified several thousand sites engaged in racist propaganda, xenophobia and related intolerance. The Special Rapporteur would like to recall that paragraphs 144 to 147 of the Durban Programme of Action recommend that States should encourage the media to adopt self-regulatory measures to enable them to combat the use of the Internet for racist ends and apply legal sanctions against any incitement to racial hatred. In that respect, the Special Rapporteur commends the adoption on 7 November 2002 by the Committee of Ministers of the Council of Europe of the Additional Protocol to the Convention on Cybercrime concerning the Criminalization of Acts of a Racist or Xenophobic Nature Committed Through Computer Systems. The Protoçol, which has already been ratified by 11 States (Armenia, Belgium, Estonia, Finland, France, Germany, Greece, Luxembourg, Malta, the Netherlands and Sweden), defines the common legal bases of parties to suppress the dissemination of written materials, images or any other representation of ideas or theories that advocate or encourage hatred, discrimination or violence against a person or group of persons on the basis of race, colour, descent or national or ethnic origin, or religion. The Protocol also provides for international cooperation to combat racist or xenophobic propaganda through the use of computers. The Special Rapporteur hopes that a similar document will emerge at the international level in the form of an additional protocol to the International Convention on the Elimination of All Forms of Racial Discrimination[2] so that more States can adopt legal measures to combat the use of the Internet for racist or xenophobic purposes.

B. Racism and sports

26. The Special Rapporteur has found a recent increase in racist and xenophobic acts and remarks at sporting events. These incidents have been most common at European football stadiums, where players of African origin have been greeted by spectators making monkey calls, throwing banana skins or shouting purposely racist insults. There have even been racist incidents on the field between players. In Eastern Europe, anti-Semitism has been seen among supporters calling one another "Jews" and waving neo-Nazi and neo-Fascist banners in the stands. Far-right organizations have found their way into stadiums and handed out their racist propaganda, or taken advantage of media coverage of football matches to call attention to themselves by unfurling their banners in the range of the cameras. More and more racist graffiti has appeared in football stadiums.

27. Racism has also invaded the tennis court: Venus and Serena Williams, and their father Richard, have often complained about what they see as racially motivated boos and cat-calls from spectators at tournaments in Australia, the United States of America and France. Some spectators have reportedly called them "nigger". Interviews with some of the Williams sisters' opponents and comments from some journalists which have stressed their physical strength and given no credit to the quality of their game have also been perceived as inspired by racial prejudice. A recent article in the British daily *The Guardian* recognized racist feeling and behaviour in the world of tennis, quoting the example of the Williams sisters.

28. There is an emerging public awareness of the danger of racism in sports in some countries. In the United Kingdom of Great Britain and Northern Ireland, for example, the Commission for Racial Equality and the English Football Association launched the "Kick it Out" campaign against racism (www.kickitout.org) in 1993. In other countries (such as Poland, Germany and Italy), spectators who are seen committing racist acts are thrown out of stadiums, and football clubs have been fined for the racist behaviour of their fans. Major football stars such as Lilian Thuram have personally campaigned against this new distortion of fair play.

29. The Special Rapporteur has written to the International Federation of Association Football (FIFA) and to the International Olympic Committee about growing racism on the football field and in other sports. FIFA informed him that its action against racism had included a congress held in Buenos Aires on 6 July 2001. The congress had issued a resolution requiring "all persons involved directly or indirectly with the sport of football at all levels and in all countries to join a concerted action to exchange information and experiences in order to combat effectively and conclusively all manifestations of racism within the game, by denouncing and sanctioning all persons indulging in racism in any form".

30. Beyond the action taken by FIFA, the Union of European Football Associations (UEFA) launched an anti-racism guide on 18 July 2003 as part of its campaign against racism, to help the football community to confront that phenomenon. The guide, which was prepared by UEFA and FARE (Football Against Racism in Europe), was distributed to all national federations, leagues, clubs, referees, match delegates and stadium managers. UEFA allocated 1.7 million euros for national campaigns against racism. FARE has also organized an annual anti-racist world cup in Montecchio in Italy. It is both a sporting and a cultural event

which brings together artists and non-professional footballers of European and immigrant backgrounds.

31. The Special Rapporteur hopes that FIFA's and UEFA's measures will put a stop to racism in football stadiums. He wishes to encourage the International Olympic Committee and the International Tennis Federation to adopt similar measures. He plans to mobilize the international community regularly against the plague of racism through his reports to the General Assembly of the United Nations, to list explicitly any incidents which come to his attention and to say what steps the relevant sporting, national, regional and international bodies and the States Members of the United Nations have taken. In that connection, he will ask world sport governing bodies to work with him actively and continuously.

C. Racism connected with anti-Semitism and Islamophobia

32. Recalling that the Durban Declaration strongly condemned "the increase in anti-Semitism and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas against Jewish, Muslim and Arab communities" (para. 61), the Special Rapporteur wishes to draw the attention of the General Assembly to occurrences of racism connected with anti-Semitism and Islamophobia.

33. The conference organized in Vienna in June 2003 at the initiative of the Organization for Security and Cooperation in Europe (OSCE) found that anti-Semitism was on the rise in Europe, Central Asia and North America. The 2002/2003 report of the Stephen Roth Institute at Tel Aviv University, which was brought to the attention of the Special Rapporteur, indicates a worrying increase in anti-Semitic acts throughout the world during the period it covers.

34. Urgent attention should be focused on this clear resurgence of anti-Semitism, with wide-ranging debate in the General Assembly and the Commission on Human Rights on the origins and contemporary manifestations of the phenomenon, so that lasting solutions to the problem can be found, using as a basis the relevant international instruments and the Durban Declaration and Programme of Action. Such a debate, to which the Special Rapporteur would contribute regularly through his reports, would make it possible to gauge how far the revival of one of the oldest and most destructive forms of racism and racial discrimination had spread. To that end, the Special Rapporteur has already begun in-depth consultations with the appropriate figures and institutions, in order to gather precise and objective information.

35. As a prelude to the report on the situation of Muslim and Arab peoples in various parts of the world in the aftermath of the events of 11 September 2001 which he is due to present at the sixtieth session of the Commission on Human Rights, the Special Rapporteur wishes to draw attention to certain manifestations of racial discrimination affecting such individuals, as reflected in his preliminary report on the subject (E/CN.4/2003/23).

36. The Special Rapporteur is concerned that Islamophobia, an ideology which preaches hatred and rejection of Islam, seeing it as a malevolent force whose most dangerous expression is terrorism, continues to be spread through channels

including the media and the Internet. In the countries in which it is most common, it should be treated as an incitement to hatred which is punishable by law.

37. In some countries, Muslims and people who are or are assumed to be of Arab origin are victims of both open and disguised hostility in daily life. Mosques have been set on fire and Muslim cemeteries desecrated. There have been reports of daily attacks on Muslim women wearing the veil and on bearded Muslim men. People with Muslim- or Arab-sounding names often suffer discrimination when looking for jobs or accommodation. The Special Rapporteur has also heard allegations of Muslim and/or Arab travellers suffering discrimination when applying for visas or when entering or residing in a number of countries. The Special Rapporteur's report underlines the particularly serious nature of political validation through pronouncements by politicians and in publications by intellectuals. The report to the Commission on Human Rights will provide facts which will help to judge how widespread this phenomenon is throughout the world.

IV. Action taken or planned by Governments, judicial authorities or other bodies

A. Measures to combat racist propaganda and incitement to racial hatred

38. Australia and South Africa have taken significant decisions aimed at banning the dissemination of racist language and incitement to racial hatred. In September 2002, at the request of the Executive Council of Australian Jewry and the Australian Human Rights and Equal Opportunity Commission, Australia's Federal Court ordered the Adelaide Institute to remove from its web site all denials of the Jewish holocaust. The Adelaide Institute is headed by the revisionist Frederick Toben. The decision shows that dissemination of racism by the Internet can be fought legitimately without harming freedom of opinion and expression.

39. The South African Human Rights Commission adopted a decision on 18 July 2003 which deemed the slogan "Kill the Boer, Kill the Farmer", chanted by African National Congress activists at the funeral last year of a leader of the anti-apartheid movement, not to be protected by the freedom-of-expression provisions of the Constitution. In a reversal of its previous position, the Commission took the view that the right to freedom of expression did not rank above other human rights, including the right to human dignity, and that the call to murder a group of individuals should be considered a potentially harmful incitement to hatred. That decision provides food for thought to the proponents of an inviolable right to freedom of expression.

B. Measures for Sinti/Roma/travellers

40. The Special Rapporteur welcomes the World Bank's support for the efforts of a number of Governments in Central and Eastern Europe (Albania, Bulgaria, Croatia, the Czech Republic, Hungary, Romania, Serbia and Montenegro and Slovakia) to improve the living conditions of Sinti/Roma/travellers and to encourage their integration. The World Bank will contribute to an education fund for those

individuals. The European Union, the United Nations Development Programme (UNDP) and the Governments of Finland, Hungary and Sweden are contributing to the fund.

41. On 19 June 2003, the Government of Montenegro agreed to pay 985,000 euros to 74 Roma who had been the victims of a 1995 pogrom which had completely destroyed a Roma neighbourhood in Danilovgrad. That action followed a decision of 21 November 2002 by the Committee against Torture, calling for the payment of compensation to the victims (see document CAT/C/29/D/161/2000 of 11 November 2000). The pogrom had been organized by residents of Danilovgrad in the wake of allegations that a girl had been raped by young Roma men. The police and municipal authorities had taken no action to protect the Roma community. The decision confirms that the authorities in Montenegro are committed to safeguarding human rights without distinction.

V. Conclusions and recommendations

42. **The Special Rapporteur will submit to the Commission on Human Rights at its sixtieth session detailed recommendations on the issues covered by his mandate, particularly in the light of his visits to the countries on his programme this year. He therefore wishes to draw the attention of the General Assembly to the following:**

- **The General Assembly is invited to alert the Member States to the need to take the necessary legislative and judicial action, as well as measures in the area of information and education, in order to ensure that the legitimate struggle against terrorism does not result in or breed new forms of discrimination targeting specific populations, religions, cultures or ethnic groups.**
- **Within the context of implementing the Programme of Action of the Durban Conference, the General Assembly is invited to focus its attention on the latest forms of discrimination, which affect, in particular, immigrants, refugees and non-nationals and make them particularly vulnerable.**
- **The question of castes, because it is deeply rooted in value systems and cultural and religious values and is pervasive and still practised in the societies concerned, should be given priority in the follow-up to the Durban Conference, the fight against all forms of discrimination and the promotion of human rights worldwide.**
- **The General Assembly is invited both to draw the attention of all Member States to increased racism in sports and to call on international sports entities to take appropriate measures to eradicate it and cooperate to that end with the relevant human rights mechanisms, in particular CERD and the Special Rapporteur.**

Notes

[1] See A/CONF.189/12 and Corr.1, chap. I.

[2] General Assembly resolution 2106 A (XX), annex.